IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 3050 of 2005

Between:

1 Kusuma Ramesh, S/o. Venkata Swamy,
No. 81/A, Urs Village, Kareemabad Village, SRR

Thota,

Warangal Mandal, Warangal District.
2 T. Pardasaradi, S/o. Mallaiah,
No. 81/A, Urs Village, Kareemabad Village, SRR

Thota, Warangal Mandal, Warangal District.
3 Manda Ramesh, S/o. Chinna Komaraiah,
No. 92/A, Urs, Harijanwada, Warangal Mandal,

Warangal District.

PETITIONERS

AND

1 The Joint Collector, Warangal, Warangal District.
2 The Revenue Divisional Officer, Warangal,

Warangal District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction, more particularly one in the nature of WRIT OF MANDAMUS directing the Respondents to consider the objection petition/Representation dt. 14-2-2005, and other Government Circulars regarding Bifurcation of Fair Price Shops of the Petitioners before passing orders Bifurcating the Fair Price Shops of the petitioners and further declare the action of the Respondents in taking the steps to Bifurcate the shops of the petitioners without affording any opportunity to the petitioners as bad in law, violative of Principles of Natural Justice and contrary to the ratio laid down by Hon'ble A.P. High Court in the Judgment cited in 1997(4) ALT 481 (D.B.) and Supreme Court Judgment and consequently allow the petitioners to function as Fair Price Shop Nos. (a) 81(a) 81/A, Urs Village, Kareemabad Village, SRR Thota, (b) No. 81, Urs Village, Kareemabad Village, SRR Thota, (c) No. 92/A, Urs, Harijanwada, Warangal Mandal, Warangal District, respectively without any hindrance whatsoever in the Interest of Justice and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the Case

Counsel for the Petitioners:MR.B.SUDHAKAR REDDY & ASSOCIATES

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

O R D E R

The petitioners are the fair price shop dealers of different shops in Warangal city. Their grievance is that the respondents have initiated proceedings for bifurcation of their shops, without verifying as to whether such bifurcation would conform to the guidelines issued by the Government from time to time. They claim to have made a representation dated 14.2.2005 to the Joint Collector, Warangal and apprehend that the respondents may proceed with the bifurcation, contrary to the guidelines.

2. Heard the learned counsel for the petitioners and the learned Government Pleader for Civil Supplies.

3. In the matter of sanction of new fair price shops or bifurcation of the existing ones, the Courts have given maximum latitude to the Government to take appropriate decision. It is the exclusive prerogative of the State to undertake the supply of essential commodities to the cardholders. The existing dealers are not entitled to be issued any notice, in such matters. However, the concerned authorities are under obligation to follow the guidelines issued by the Government from time to time. Such guidelines, in addition to other matters, provide for ensuring minimum number of cards, depending on the nature of area, such as corporations, municipalities and rural areas. The question as to whether the bifurcation of the shops is going to result in any violation of such guidelines, cannot be decided at this stage and in these proceedings. There is no reason to believe that the respondents would ignore such guidelines. Further, any bifurcation cane take place only if it is approved by the District Collector. If the petitioners are of the view that the bifurcation of their shops is impermissible under the existing guidelines, they can certainly make a representation to the District Collector, who in turn shall take the same into account, if the occasion arises for bifurcation of the shops, for which the petitioners are dealers.

4. Hence, the writ petition is disposed of directing that it shall be open to the petitioners to make a representation to the District Collector, pointing out their grievances and the same shall be taken into account, if the bifurcation of the shops held by the petitioners becomes necessary.

5 . It goes without saying that the petitioners are entitled to function as dealers, in respect of the existing shops in the present

form, till any bifurcations takes place, in accordance with law.

6. There shall be no order as to costs.

AVS ----------

21.02.2005

Note:

Issue C.C. by 23.2.205.

B/O

To

1 The Joint Collector, Warangal, Warangal District.
2 The Revenue Divisional Officer, Warangal, Warangal

District.

3. Two C.Cs. to G.P. for Civil Supplies, A.P.High Court

Buildings (O.U.T.).

4. Two C.D. copies.